REMARKS

In the Office Action mailed July 25, 2008 (hereafter, "Office Action"), claims 1-7, 9-13, 15-19, 21-37 and 39-49 stand rejected under 35 U.S.C. § 103. Claims 1, 7, 13, 19, 26, 29, 32, 34, 40, 43, 47 and 49 have been amended.

Applicants respectfully respond to the Office Action.

I. Claims 1-7, 9-13, 15-19, 21-24, 26, 29, 32, 34-37, 40, 43-45, 47 and 49 Rejected Under 35 U.S.C. § 103

Claims 1-7, 9-13, 15-19, 21-24, 26, 29, 32, 34-37, 40, 43-45, 47 and 49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,263,202 to Kato (hereinafter, "Kato") in view of U.S. Patent No. 6,972,082 to Levine (hereinafter, "Levine") in further view of U.S. Patent No. 6,687,673 to Mann (hereinafter, "Mann") and U.S. Patent No. 6,215,992 to Howell et al. (hereinafter, "Howell"). Applicants respectfully traverse.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. ___, 2007 U.S. LEXIS 4745, at **4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, 2007 U.S. LEXIS 4745, at **37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

Claim 1, as amended, requires, in part:

> wherein the voice-recognition engine is configured to use a sequencing scheme to attempt to match the audio-data to one of the set of commands first, and if there is no match, attempt to match the audio-data to one of the set of alphanumeric characters;

(Emphasis added). The amendments to claim 1 are supported by at least paragraph [0026] and Figures 1 and 3 of the present application. Claims 7, 13, 19, 26, 29, 32, 34, 40, 43, 47 and 49 have been amended to include similar subject matter.

The use of the words "first" and "sequencing scheme" of claim 1 clearly require an order in assessing matches to one of the set of commands versus assessing matches to one of the set of alphanumeric characters. The claimed sequencing scheme requires that only if there is no match to a command is an attempt made to match the audio-data with one of the set of alphanumeric characters. The sequencing scheme is computationally advantageous in that if there is a matching command, there is no need to attempt to match to an alphanumeric character, reducing the number of potential matches to analyze.

The Office Action correctly acknowledges that the combination of Kato, Levine, and Mann does not teach this subject matter, even before the current amendments. (Office Action at p. 4.) Instead, the Office Action asserts that Howell (at Figure 7b, col. 21, line 29 to Col. 22, line 67) teaches this subject matter. (Id.) Howell, however, teaches that:

> MCU 61 [microcomputer unit] communicates with the PVT [personal voice translator] over the lead line 84a coupled between the MCU serial output port 84 and the PVT RS232 input port 85 (FIG. 5). The MCU informs the PVT of the request for voice recognition and forwards to the PVT the specific command list for a given CDS [centralized dictation systems], for ad [sic] example the command list of Table 1. The MCU receives PVT packets back from the PVT over line 92a (FIG. 5). The PVT packets contain ASCII character codes corresponding to the spoken words for the keypad digits, comprising 0-9, *, # and A, B, C and D and spoken CDS commands such as "record" and "rewind".

> The decision routine at block 147 distinguishes between those ASCII character codes representing digits 0-9 and those representing non-digits, including the dialing characters *, #, A, B, C and D, associated with the extended dialing keypad 13 (see FIGS. 2 and 4). As mentioned above, the separation of commands from digits is to distinguish between issuing spoken word commands to a CDS to control a dictation session versus issuing the spoken words for the 0-9 digits to enter data into a data field associated with a CDS dictation session.

(Howell, Col. 21, Lines 60-Col. 22, Line 13.) Howell clearly does not teach the sequencing scheme of claim 1, instead, teaching that a single block, block 147 of Figure 7B, distinguishes ASCII character codes in PVT packets for commands and digits. There is no disclosure in Howell of a voice-recognition engine attempting to match one of a set of commands first, and then, if there is no matching command, attempting to match one of a set of alphanumeric characters.

Thus, Howell does not teach or suggest "wherein the voice-recognition engine is configured to use a sequencing scheme to attempt to match the audio-data to one of the set of commands first, and if there is no match, attempt to match the audio-data to one of the set of alphanumeric characters;" as required by claim 1.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claims 3-6 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 3-6 be withdrawn.

Claims 7, 13, 19, 26, 29, 32, 34, 40, 43, 47, and 49 include subject matter similar to the subject matter of claim 1 addressed above. As such, Applicants submit that claims 7, 13, 19, 26, 29, 32, 34, 40, 43, 47 and 49 are patentably distinct from the cited references for at least the same reasons as those presented above in connection with claim 1 and request that rejection of these claims be withdrawn. (Although claim 2 was previously canceled, it was included in the rejection of the Office Action.)

Claims 9-12 depend directly from claim 7. Claims 15-18 depend either directly or indirectly from claim 13. Claims 21-24 depend directly from claim 19. Claims 35-37 depend either directly or indirectly from claim 34. Claims 44-45 depend either directly or indirectly from claim 43. Accordingly, Applicants respectfully request that the rejection of claims 9-12, 15-18, 21-24, 35-37, and 44-45 be withdrawn for at least the same reasons as presented above.

II. **Claims 25, 27, 28, 30, 31, 33, 39, 41, 42, 46 and 48 Rejected Under 35 U.S.C. § 103(a)**

Claims 25, 27, 28, 30, 31, 33, 39, 41, 42, 46 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato in view of Levine and Mann in further view of Howell and U.S. Patent No. 5,838,458 to Tsai (hereinafter, "Tsai"). Applicants respectfully traverse.

The standard to establish a *prima facie* case of obviousness is provided above.

Claims 25 and 27 depend directly from claim 1. Claims 28 and 30 depend directly from claim 13. Claims 31 and 33 depend directly from claim 19. Claims 39, 41 and 42 depend directly from claim 34. Claims 46 and 48 depend directly from claim 43. Accordingly, Applicants respectfully request that the rejection of claims 25, 27, 28, 30, 31, 33, 39, 41, 42, 46 and 48 be withdrawn for at least the same reasons as presented above.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 27 Oct 2008
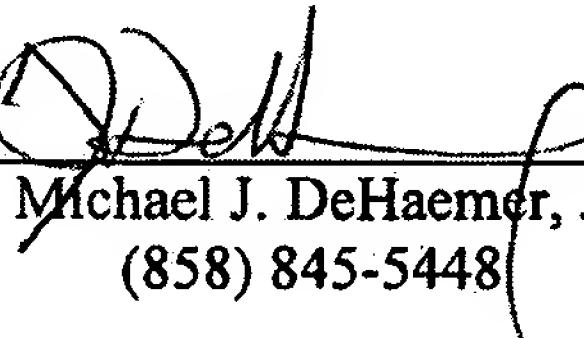
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